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Attorney for Defendant

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)	Case No.: 2:20-CR- 00243-RFB-VCF
)	
Plaintiff,)	
)	
vs.)	
)	
RODOLFO RAFAEL RODRIGUEZ-SILVA))	STIPULATION TO CONTINUE
)	SENTENCING
Defendant.)	

Certification: This stipulation is timely filed.

IT IS HEREBY STIPULATED by and between , KIMBERLY FRAYN , Assistant United States Attorney, counsel for Plaintiff, UNITED STATES OF AMERICA, Defendant, RODOLFO RAFAEL RODRIGUEZ-SILVA, by and through his counsel DAN M. WINDER, ESQ., of the LAW OFFICE OF DAN M. WINDER, PC, that the Sentencing Hearing currently scheduled for February 25, 2021, be vacated and continued to a date which are convenient to this Honorable Court, not less than thirty (30) days from this date.

This stipulation is entered into for the following reasons:

1. Defendant requires additional time to prepare the Pre-sentencing Report.
2. The parties agree to the continuance sought herein.
3. The Defendant does not object to the continuance in this matter.
4. The additional time requested herein is not sought for purposes of delay.
5. The additional time requested by this Stipulation is excludable in computing the time

1 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,
2 United States Code, Section 3161(h)(7)(A) considering the factors under Title 18, United States
3 Code, Sections 3161(h)(B)(iv).

4 6. This is the second request for continuance of the Sentencing herein.

5 DATED this 24th day of February, 2021.

6
7 NICHOLAS A. TRUTANICH US ATTORNEY

LAW OFFICE OF DAN M. WINDER, PC

8 /s/ Kimberly Frayn
9 KIMBERLY FRAYN
Assistant United States Attorney
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/s/ Dan M. Winder
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)
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Plaintiff,)
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vs.)
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RODOLFO RAFAEL RODRIGUEZ-SILVA)
)
Defendant.)

Case No.: 2:20-CR- 00243-RFB-VCF

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

Certification: This stipulation is timely filed.

FINDINGS OF FACT

Based on the Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Defendant requires additional time to prepare the Pre-sentencing Report.
2. The parties agree to the continuance sought herein.
3. The Defendant does not object to the continuance in this matter.
4. The additional time requested herein is not sought for purposes of delay.
5. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A) considering the factors under Title 18, United States Code, Sections 3161(h)(B)(iv).
6. This is the second request for continuance of the sentencing hearing filed herein.

1 **CONCLUSIONS OF LAW**

2 The ends of justice served by granting said continuance outweigh the best interest of the
3 public and the Defendant in a speedy trial, since the failure to grant said continuance would be
4 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
5 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
6 account the exercise of due diligence.

7 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United
8 States Code, Section 3161(h)(7)(A) considering the factors under Title 18, United States Code,
9 Sections 3161(h)(7)(B)(i) and (ii).

10 **ORDER**

11 **IT IS HEREBY ORDERED** that the sentencing hearing currently scheduled for February
12 25, 2021. shall be and is hereby vacated and continued to the 8th day of April, 2021.
13 at 2:00 PM in LV Courtroom 7C by videoconference.

14 DATED this 25th day of February, 2021.

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16 RICHARD F. BOULWARE, II
17 UNITED STATES DISTRICT JUDGE
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